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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,338	02/20/2002	Dirk Trossen	005288.00031	7948
22908	7590	09/22/2005	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606				PHU, SANH D
ART UNIT		PAPER NUMBER		
2682				

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/079,338	TROSSEN ET AL.
Examiner	Art Unit	
Sanh D. Phu	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 August 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6-9,23-27,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 28,29 is/are allowed.
- 6) Claim(s) 6-9,23-27,30 and 31 is/are rejected.
- 7) Claim(s) 10 and 11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 8/19/05.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6, 9 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Wall et al (2003/0037160), previously cited.
–Regarding to claims 6 and 23, Wall et al disclose a wireless terminal (HID 510) (see figure 5) that supports a service over a wireless channel (525) (see figure 5, and [0059]) in a wireless communication system (as shown in figure

5), wherein said service can be considered as a version of multicast service which is involved with a data/service transmission from a centralized computation service provider (500) to many different remote terminals (510, 511, 512) (see figure 5, and [0050], (also, for a definition of multicasting, see [0017])); and wherein the wireless terminal (see figure 4) comprises:

- a wireless interface (COMM INT) (see [0123]);
- a memory (MASS MEMORY) (see [0121, 0126]);
- a processor (CPU) (see [0121, 0126], that connects to the wireless interface to communicate over the wireless channel and that connects to the memory for performing the following steps (see figure 8, [0113–0120, 0126]):
 - step (800) of sending a request that the wireless terminal wishes to receive a data transmission corresponding to a multicast group (e.g., “high-resolution video” (see [0114]) of the multicast service, (note since said data transmission is corresponding with a specific signaling task/layer (e.g., one being involved with a type of data transmission, data transmission rate, transmission bandwidth, etc. (see [0113–0114]) for carrying out said data transmission, said request can be considered here equivalent with the limitation

"sending a request that the wireless terminal wishes to join a requested layer

corresponding to a multicast group of the multicast service"); and

step (810, 820) of sending bandwidth requirements for the requested task/layer in responding to step (800).

-Regarding to claim 9, Wall et al discloses step of sending a notification "disconnected message" that the wireless terminal desires to be disconnected from a multicast session (see [0081]).

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7–8, 24–27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wall et al in view of Segura et al (6,360,076), previously cited.

-Regarding to claims 7 and 24, Wall et al does not disclose step of sending signal quality information about a received signal over the wireless channel.

Segura et al discloses step (35) (see figure 3) of sending signal quality information “tq” about a received signal over the wireless channel (see Segura et al, col. 5, line 61 to col. 6, line 51).

There fore, it would have been obvious for one skilled in the art to implement the method to improve the signal quality by sending information to base station, as taught by Segura et al, so that the base station is able to transmit better signal to the wireless terminal.

-Regarding to claim 26, Wall et al discloses step of sending a notification “disconnected message” that the wireless terminal desires to be disconnected from a multicast session (see Wall et al, see [0081]).

-Regarding to claims 8 and 27 Wall et al in view of Segura et al does not disclose that the signal quality information comprises at least one signal to noise measurement corresponding to the received signal over the wireless channel.

Segura et al in view of Wall et al discloses that the signal quality information comprises signal strength and bit error rate corresponding to the received signal over the wireless channel (see Segura et al, col. 5, lines 42–44).

Using signal to noise ratios, signal strengths and/or bit error rates corresponding to a received signal over a wireless channel to indicate the transmission quality of the wireless channel is well-known in the art, and the examiner takes Official Notice.

Therefore, it would have been obvious for a person skilled in the art to implement Segura et al invention in view of Wall et al in such a way that the signal quality information would comprise measured signal to noise corresponding to the received signal over the wireless channel so that the measured signal to noise would be used to indicate the transmission quality of the wireless channel, without affecting the overall system performance.

-Regarding to claim 25, Segura et al discloses step (36) (see figure 3) of receiving at least one layer associated with the multicast session in accordance with the signal quality information (see col. 6, lines 40–65).

-Claim 30 is rejected with similar reasons set forth for claims 6 and 8.

-Claim 31 is rejected with similar reasons set forth for claim 26.

Allowable Subject Matter

6. Claims 28 and 29 are allowed.
7. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed on 8/19/05 have been fully considered but they are not, in part, persuasive.

-The previous rejection, under Double Patenting, to claims 6–8, 23–25, 27 and 30 has been withdrawn since the applicant filed a corresponding terminal disclaimer.

-The previous rejection, under 35 USC 112, to claims 10, 11, 28 and 29, has been withdrawn since the claims were amended to overcome the rejection.

-Applicant argument with respect to the rejection, under 35 USC 102, to claims 6 and 23, as being anticipated by Wall et al, is not persuasive.

The applicant mainly argues that Wall et al does not disclose or teach all the features of claims 6 and 23. The examiner respectfully disagrees.

Regarding to claims 6 and 33, as set forth above in this Office Action, Wall et al disclose a wireless terminal (HID 510) (see figure 5) that supports a service over a wireless channel (525) (see figure 5, and [0059]) in a wireless communication system (as shown in figure 5), wherein said service can be considered as a version of multicast service ,which is involved with a data/service transmission from a centralized computation service provider (500) to many different remote terminals (510, 511, 512) (see figure 5, and [0050], (also, for a definition of multicasting, see [0017])); and wherein the wireless terminal (see figure 4) comprises:

a wireless interface (COMM INT) (see [0123]);
a memory (MASS MEMORY) (see [0121, 0126]);
a processor (CPU) (see [0121, 0126], that connects to the wireless interface to communicate over the wireless channel and that connects to the memory for performing the following steps (see figure 8, [0113–0120, 0126]):

step (800) of sending a request that the wireless terminal wishes to receive a data transmission corresponding to a multicast group (e.g., “high-resolution video” (see [0114]) of the multicast service, (note since said data transmission is corresponding with a specific signaling task/layer (e.g., one being involved with a type of data transmission, data transmission rate, transmission bandwidth, etc. (see [0113–0114]) for carrying out said data transmission, said request can be considered here equivalent with the limitation “sending a request that the wireless terminal wishes to join a requested layer corresponding to a multicast group of the multicast service”); and

step (810, 820) of sending bandwidth requirements for the requested task/layer in responding to step (800).

Based on the above rationale, the rejection is maintained.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NICK CORSARO
PRIMARY EXAMINER

Sanh D. Phu
Examiner
Art Unit 2682

SP